

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 267

Introduced by Tyson, 19; Aguilar, 35; Baker, 44; Byars, 30;
Friend, 10; Hartnett, 45; Kremer, 34; McDonald, 41;
Quandahl, 31

Read first time January 13, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal history record checks; to amend
2 section 53-131.01, Reissue Revised Statutes of Nebraska,
3 and section 71-3205, Revised Statutes Supplement, 2002;
4 to require checks for certain license applicants as
5 prescribed; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-131.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 53-131.01. (1) The application for a new license shall
4 be submitted upon such forms as the commission may prescribe. Such
5 forms shall contain (a) the name and residence of the applicant and
6 how long he or she has resided within the State of Nebraska, (b)
7 the particular premises for which a license is desired designating
8 the same by street and number if practicable or, if not, by such
9 other description as definitely locates the premises, (c) the name
10 of the owner of the premises upon which the business licensed is to
11 be carried on, (d) a statement that the applicant is a citizen of
12 the United States, that the applicant and the spouse of the
13 applicant are not less than twenty-one years of age, and that such
14 applicant has never been convicted of or pleaded guilty to a felony
15 or been adjudged guilty of violating the laws governing the sale of
16 alcoholic liquor or the law for the prevention of gambling in the
17 State of Nebraska, except that a manager for a corporation applying
18 for a license shall qualify with all provisions of this subdivision
19 as though the manager were the applicant, except that the
20 provisions of this subdivision shall not apply to the spouse of a
21 manager-applicant, (e) a statement that the applicant intends to
22 carry on the business authorized by the license for himself or
23 herself and not as the agent of any other persons and that if
24 licensed he or she will carry on such business for himself or
25 herself and not as the agent for any other person, (f) a statement
26 that the applicant intends to superintend in person the management
27 of the business licensed and that if so licensed he or she will
28 superintend in person the management of the business, and (g) such

1 other information as the commission may from time to time direct.
2 The applicant shall also submit two legible sets of fingerprints to
3 be furnished to the Identification Division of the Federal Bureau
4 of Investigation through the Nebraska State Patrol for a national
5 criminal history record check and the fee for such record check
6 payable to the patrol.

7 (2) The application shall be verified by the affidavit of
8 the petitioner made before a notary public or other person duly
9 authorized by law to administer oaths. If any false statement is
10 made in any part of such application, the applicant or applicants
11 shall be deemed guilty of perjury, and upon conviction thereof the
12 license shall be revoked and the applicant subjected to the
13 penalties provided by law for that crime.

14 Sec. 2. Section 71-3205, Revised Statutes Supplement,
15 2002, is amended to read:

16 71-3205. (1) Any person desiring to engage in the
17 private detective business in the State of Nebraska and desiring to
18 be licensed under sections 71-3201 to 71-3213 shall file with the
19 secretary an application for a license. The application shall be
20 made on a suitable form prescribed by the secretary; shall include
21 the applicant's social security number if the applicant is an
22 individual; shall be accompanied when filed by an application fee
23 of fifty dollars for a license for a private detective, one hundred
24 dollars for a license for a private detective agency, or
25 twenty-five dollars for a license for a plain clothes investigator;
26 shall be signed and verified by each individual connected with the
27 applicant to whom the requirements of subsection (2) of this
28 section apply; and may contain such information as may be required

1 by the secretary. The applicant shall also submit two legible sets
2 of fingerprints to the Nebraska State Patrol for a national
3 criminal history record check through the Federal Bureau of
4 Investigation.

5 (2) The secretary shall issue to the person if qualified
6 therefor a nontransferable license to engage in the private
7 detective business as a private detective, as a private detective
8 agency, or as a plain clothes investigator in the State of Nebraska
9 as follows: ~~(1)~~ If the applicant is an individual, the individual;
10 ~~or~~ if the applicant is a corporation, each of its individual
11 officers performing the duties of the president, the secretary, and
12 the treasurer of the corporation and the duties of the manager of
13 the business of the corporation in the State of Nebraska; ~~or~~ or if
14 the applicant is any person other than an individual or a
15 corporation, each of the individual partners, members, managers,
16 officers, or other individuals having a right to participate in the
17 management of the applicant's business in the State of Nebraska.

18 (3) The licensee ~~or before the license may be issued,~~
19 shall be at least twenty-one years of age, a citizen of the United
20 States, and of good moral character, temperate habits, and good
21 reputation for truth, honesty, and integrity and shall have such
22 experience and competence in the detective business or otherwise as
23 the secretary may determine to be reasonably necessary for the
24 individual to perform the duties of his or her position with the
25 applicant in a manner consistent with the public interest and
26 welfare.

27 (4) No license issued under sections 71-3201 to 71-3213
28 shall be issued or renewed to any person who in any manner engages

1 in the business of debt collection in the State of Nebraska as
2 licensee or employee of a licensee as provided in the Collection
3 Agency Act. If any collection agency, or any person in the employ
4 of such agency with knowledge of the owner or operator of such
5 agency, engages in the business of a private detective or
6 represents to others that he or she is engaged in such business, it
7 shall be cause for suspension or revocation of such agency's
8 license as a collection agency.

9 (5) Prior to the issuance of the license, the secretary
10 shall notify the Nebraska State Patrol, and the patrol shall
11 investigate the character and reputation of the applicant
12 respecting his or her fitness to engage in the business of a
13 private detective. Upon completion of the investigation, the
14 patrol shall notify the secretary of the results of the
15 investigation within ninety days after the date of the application.
16 The license shall be issued by the secretary unless he or she has
17 received within ninety days after the application is made for the
18 license a report of investigation from the patrol stating that the
19 applicant is not of the proper character and reputation to engage
20 in the business of a private detective. + and

21 ~~(2) The applications shall be made on a suitable form~~
22 ~~prescribed by the secretary, shall include the applicant's social~~
23 ~~security number if the applicant is an individual, shall be~~
24 ~~accompanied when filed by an application fee of fifty dollars for a~~
25 ~~license for a private detective, one hundred dollars for a license~~
26 ~~for a private detective agency, or twenty-five dollars for a~~
27 ~~license for a plain clothes investigator, shall be signed and~~
28 ~~verified by each individual connected with the applicant to whom~~

1 the requirements of subdivision (1) of this section apply, and may
2 contain such information, including specimens of fingerprints, as
3 may be required by the secretary.

4 Sec. 3. Original section 53-131.01, Reissue Revised
5 Statutes of Nebraska, and section 71-3205, Revised Statutes
6 Supplement, 2002, are repealed.